IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 18987 of 1997

Between:

1 M/s.Sri Laxmi Waddera Mahila Labour Contract Co-operative Society Ltd., Rep.by its President E.Parvathamma, Devarakonga, Nalgonda District.
2 Sri Ramalingeshwara Waddera Labour Contract Co-operative Society Ltd., rep. by its President G.Ramaswamy, Cherukupalli, Nalgonda District.
3 S.Rajesh (Techno), Contractor,
Devarakonda, Nalgonda District. ..... PETITIONERS

AND

1 Superintending Engineer R&B Rural Circle
Balkampet Hyderabad.
2 Superintending Engineer Irrigation Circle
Red Hills Hyderabad.
3 Superintending Engineer Panchayat Raj Circle
Nalgonda (dismissed for default as per court order dt.31/7/2000)
4 Superintending Engineer Panchayat Raj
Erramanzil Colony R.R.Dist
(dismissed for default as per court order dt.31/7/2000)
5 Superintending Engineer Public Health
West Circle Barkatpura
Hyderabad. (dismissed for default as per court order dt.31/7/2000)
6 Superintending Engineer N.S.P. Circle
Tekulapally (dismissed for default as per court order dt.31/7/2000)
7 Executive Engineer R&B Division
Miryalaguda Nalgonda.

(dismissed for default as per court order dt.31/7/2000)

8 Executive Engineer Panchayatraj Division
Mirayalaguda Nalgonda
(dismissed for default as per court order dt.31/7/2000)

9 Executive Engineer Public Halth
Mahaboobnagar (dismissed for default as per court order dt.31/7/2000)

10 Executive Engineer Metro Water Works
Hyderabad (dismissed for default as per court order dt.31/7/2000)

11 Superintending Engineer Metro Water Works
Hyderabad (dismissed for default as per court order dt.31/7/2000)

12 Superintending Engineer P.J.P.Circle
Gadwal Mahaboobnagar District.
(dismissed for default as per court order dt.31/7/2000)

13 Superintending Engineer S.L.B.C.Circle,I & II
G.V.Gudem Nalgonda.
(dismissed for default as per court order dt.31/7/2000)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in insisting the petitioner societies for payment of Earnest Money Deposit, Commercial Tax Clearance Certificate or imposing any condition or experience in connection with all tender notices issued on or after 1-7-1997 arbitrary, illegal, and unreasonable and consequently direct the respondents not to insist payment of Earnest Money Deposit, Commercial Tax clearance certificate from the petitioners at the time of allotment of works in tender notices issued on after 1-7-1997 issue tender schedules to the petitioners in such all tender notices irrespective of conditions or experience, disregarding district in whichever they register.

Counsel for the Petitioner : Mr.KUNA REDDY ANJI REDDY

Counsel for the Respondents : G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

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In the present writ petition, the petitioners are questioning, the action of the respondents in insisting payment of Earnest Money Deposit, Commercial Tax Clearance Certificate for tender notices issued on or after 1-7-1997.

This Court while admitting the writ petition by order dated 12-8-1997 granted interim direction to the respondents to issue tender schedules to

the petitioners without insisting on Commercial Tax Clearance Certificate, Earnest Money Deposit and experience certificate. The writ petition was dismissed for default as against respondents
3 to 13 by order dated 31-7-2000 and no steps were taken by the respondents to restore the writ petition against said respondents.

Learned counsel for petitioner called absent. Learned Government Pleader for Panchayat Raj, submitted that the cause in the writ petition does not survive and it has become infructuous.

Accordingly, the writ petition is dismissed as infructuous. No costs.

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N.V.RAMANA,J

18-3-2005

TVK

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N.V.RAMANA, J

Date: 18.3.2005

TVK/DA

To

1 Superintending Engineer R&B Rural Circle, Balkampet Hyderabad.
2 Superintending Engineer Irrigation Circle, Red Hills Hyderabad.
3 Superintending Engineer Panchayat Raj Circle
Nalgonda.
4 Superintending Engineer Panchayat Raj, Erramanzil Colony R.R.Dist
5 Superintending Engineer Public Health, West Circle Barkatpura
Hyderabad.
6 Superintending Engineer N.S.P. Circle, Tekulapally
7 Executive Engineer R&B Division, Miryalaguda Nalgonda.
8 Executive Engineer Panchayatraj Division, Mirayalaguda Nalgonda
9 Executive Engineer Public Health, Mahaboobnagar 10 Executive Engineer
Metro Water Works
Hyderabad
11 Superintending Engineer Metro Water Works, Hyderabad
12 Superintending Engineer P.J.P.Circle, Gadwal Mahaboobnagar District.
13 Superintending Engineer S.L.B.C.Circle,I & II, G.V.Gudem Nalgonda.

14 Two CCs to the G.P. for Panchayat Raj & Rural Development
Department, High Court Buildings, Hyderabad (OUT).

15 Two CD copies.